

FERPA LETTER

The Survey of Earned Doctorates (SED)

and

The Family Educational Rights and Privacy Act (FERPA)

A few of our institutional contacts and graduate deans have inquired about their obligations and proper assistance to the National Science Foundation and the National Opinion Research Center in collecting and forwarding the Survey of Earned Doctorates (SED) and supplementary information for that survey in light of the Family Education Rights and Privacy Act (FERPA). We thought that the following information would be helpful to distribute to all participating institutions and programs.

In response to an August 20, 1997, inquiry from NSF, the director of the Family Policy Compliance Office in the United States Department of Education, the Federal office that administers FERPA, provided the following interpretations and clarifications:

“After careful review of this issue, we have concluded that post-secondary institutions may provide this information without violating FERPA. FERPA generally protects a student’s privacy interests in ‘educational records.’ ‘Educational records’ are defined as [T]hose records, files, documents, and other materials, which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institutions, or by a person acting for such agency or institution. FERPA provides, however, that ‘educational records’ or personally identifiable information from such records may be disclosed, without consent, to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction.

“We believe that Congress intended to vest the [National Science] Foundation with the responsibility to conduct surveys and other studies on behalf of post-secondary institutions in order to improve instruction at colleges and universities, especially those institutions that educate future science and engineering teachers. As a result, post-secondary institutions may release personally identifiable information such as race, gender or Social Security number to the Foundation without the student’s prior consent in response to the SED.

“Under this exception, certain limitations do apply. FERPA states that the surveys shall be conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information shall be destroyed when no longer needed for the purpose for which it is conducted. Thus, the Foundation must protect the information it gathers from the surveys in a manner which will not permit the personal identification of students, and the information must be destroyed when no longer needed.”